



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,828	02/27/2002	Jay Son	21046-0301	1756

21839 7590 08/02/2005

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,828

Applicant(s)

SON ET AL.

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 7-23 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's election without traverse of the Restriction Requirement in the reply filed on 5-13-05 is acknowledged.

Currently, claims 1 – 6 and 24 – 25 are pending.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

The drawings filed on 2-27-02 are acceptable subject to correction of the informalities, which include shading on Figure 3. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 2 as claim 5 as well, the applicant does not have any features constituting a purchase order, which thereby prohibits determining the metes and bounds of the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6 and 24 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese (US 2001/0044751 A1) in view of “How much does it cost to make a Video?”; Stewart, David, Industrial Marketing Digest, Dorking, Third Quarter 1988 and hereafter referred to as “Video”.

Art Unit: 3625

Regarding claims 1 and related claims 4, 24 and 25, Pugliese teaches a method and system of providing a real time interactive environment, over the Internet, between an agent of an online retailer and a client, comprising:

creating images of a product of the online retailer, the images including at least one of a panorama view image, a 3-D movie image and a magnified image frame (see at least Abstract, Para 0125 and Figures 1 – 3);

providing call center services for real time, bi-directional communication between the agent and the client (see at least Para 0159);

pushing onto the client computer an alternative product, wherein the agent and the client view the alternative product simultaneously (see at least Para 0010 and 0058);

receiving client input (Para 0127); and

providing a web server for hosting the created image of the product of interest and hosting the call center (see at least Para 0138 and Figures 1 – 3). Please note that Pugliese does not specifically disclose a call center. However, Pugliese does disclose shopping assistant who supports the client during their shopping session from a store or shop live assistant. Therefore, it would have been obvious to one of ordinary skill in the art to have extended the shopping live assistant with naming convention of call center.

While Pugliese discloses and teaches video conferencing and video seminars, which include product demonstrations (Para 0115), the reference does not specifically

Art Unit: 3625

disclose and teach combining the product image with recorded voiceover, the voiceover further describing the product.

On the other hand and in the same area for providing voiceover for describing a product, Video teaches a combining the product image with recorded voiceover, the voiceover further describing the product (Page 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Pugliese with the method and system of Video in order to have enabled combining the product image with recorded voiceover, the voiceover further describing the product. Pugliese discloses the features as recited in claim 1, except for combining the product image with recorded voiceover, the voiceover further describing the product. In turn, Video discloses a method and system for combining the product image with recorded voiceover, the voiceover further describing the product. Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Pugliese with a method and system for combining the product image with recorded voiceover, the voiceover further describing the product. In this manner, the product seminars will be enhanced with a voice of renowned individual describing the product, which will increase the probability that the client.

Regarding claim 2 and related claim 5, Pugliese teaches a method wherein the client input include a product purchase order, further comprising: (see at least Abstract)

Art Unit: 3625

Regarding claim 3 and related claim 6, Pugliese teaches a bi-directional communication means, comprising one of voice chat, text chat, voice email, text email, group chat and shopping cart (Para 0115).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**.

The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571.273.8300

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

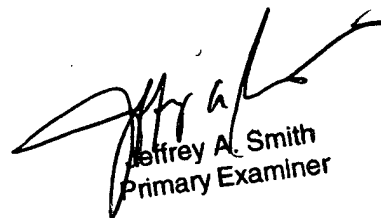
571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 3625

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). RER



Jeffrey A. Smith
Primary Examiner